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13 Attorneys for Plaintiff
14 MARCELLUS GREEN

15 UNITED STATES DISTRICT COURT
16
NORTHERN DISTRICT OF CALIFORNIA

17 MARCELLUS GREEN, an individual,

Case No. 3:13-cv-01671-MMC

18 Plaintiff,

**STIPULATED REQUEST TO CONTINUE
MEDIATION COMPLIANCE DATE;
[PROPOSED] ORDER**

19 v.

20 DEPUTY R. BETZ, individually and in his
21 capacity as a Deputy Sheriff for the County of
Alameda; DOES 1-10, inclusive; individually
22 and in their capacities as Deputy Sheriffs for the
County of Alameda,

23 Defendants.

24
Hon. Maxine M. Chesney

1 Defendant DEPUTY R. BETZ, deputy sheriff for the County of Alameda, and plaintiff
2 MARCELLUS GREEN, hereby stipulate as follows:

3 1. The initial Complaint against DEPUTY R. BETZ was filed in this matter on April 12,
4 2013. The plaintiff's Second Amended Complaint was filed on October 11, 2013.

5 2. The parties appeared for the initial case management conference on September 27, 2013.

6 3. Pursuant to the Pretrial Preparation Order dated September 27, 2013, the following
7 deadlines were set:

8 (a) Non-Expert Discovery to be completed by September 19, 2014;

9 (b) Expert Discovery to be completed by December 12, 2014;

10 (c) Trial is scheduled for April 13, 2015.

11 4. By Pretrial Preparation Order dated September 27, 2013, the Court also referred the matter
12 to mediation. Mediation was to be conducted within six months from September 27, 2013. The
13 mediation compliance date in this matter is March 27, 2014.

14 5. On November 5, 2013, the parties were assigned by the Court to Mediator Richard Wiebe.

15 6. Since December 2013, the parties have been attempting to find a mutually agreeable time
16 to attend mediation with Mr. Wiebe. Plaintiff's counsel has been unable to provide any available dates
17 for mediation to date to either defendant's counsel or Mr. Wiebe.

18 7. Defendant has conducted written discovery. Since late December/early January 2014,
19 defendant has been attempting to schedule the essential depositions of the plaintiff and his wife so that
20 defendant would be adequately prepared to complete mediation by March 27, 2014 as ordered by this
21 Court. No dates were provided despite numerous requests for same.

22 8. On February 6, 2014, plaintiff's counsel informed defendant's counsel that plaintiff and
23 his wife cannot be made available for deposition until March 11, 2014.

24 9. An extension of the mediation compliance date is therefore necessary for the parties to
25 complete required discovery, including necessary depositions, before mediation. Absent a continuance,
26 defendant will be unable to conduct critical discovery and meaningfully participate in mediation.

27 10. The parties therefore stipulate to extend the time for the parties to comply with mediation
28 through and including June 13, 2014.

1 11. This extension will not alter any event or deadline already fixed by Court order.
2

3 Dated: February 18, 2014

LAW OFFICES OF JOHN L. BURRIS

4 By: /s/ Dewitt Lacy
5 John L. Burris
6 DeWitt Lacy
7 Attorneys for Plaintiff
8 MARCELLUS GREEN

9 Dated: February 18, 2014

10 BERTRAND, FOX & ELLIOT

11 By: /s/ Michael C. Wenzel
12 Michael C. Wenzel
13 Attorneys for Defendants
14 DEPUTY R. BETZ

[PROPOSED] ORDER

15 Upon the foregoing Stipulation, and for good cause shown, IT IS ORDERED that the mediation
16 compliance deadline shall be extended to June 13, 2014.

17 Dated: February 19, 2014


18 Maxine M. Chesney
19 UNITED STATES SENIOR DISTRICT JUDGE
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